Information Sharing Policy

Policy Aim

We recognise that parents have a right to know that the information they share with us will be handled sensitively and confidential information will only be shared where we have permission to do so or when we are obliged to do so.

We are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates, if it is in the public interest. That is when:

- it is to prevent a crime from being committed or to intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

When serious concerns arise the decision to share information without consent will be based on judgements about the case and will involve a discussion between the setting DSL / Manager and Committee. The three critical criteria are:

- Where there is evidence that the child is suffering, or is at risk of suffering, significant harm.
- Where there is reasonable cause to believe that a child may be suffering, or is at risk of suffering, significant harm.
- To prevent significant harm arising to children and young people or adults, including the prevention, detection and prosecution of serious crime.

Procedures

Our procedure is based on the seven golden rules for information sharing as set out in Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (September 2026).

1. *Remember that the General Data Protection Regulations (GDPR)*, Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.*
    - Our policy and procedures on Information Sharing provide guidance to appropriate sharing of information both within the setting, as well as with external agencies.

      * GDPR is now known as UK GDPR to reflect changes necessary since the UK left the European Union

2. *Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.*

    In our setting we ensure parents:

- receive information about our Information Sharing Policy when their child starts at the setting.
- have information about our Safeguarding Children and Child Protection Policy.
- have information about the other circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.

3. *Seek advice if you are in any doubt, without disclosing the identity of the person where possible.*
   - Staff discuss concerns about a child immediately, routinely in supervision, at team meetings (as appropriate) and any actions are recorded in the child's file.
   - The setting manager seeks advice and support from the Committee/Director/Owner as required.
   - Our Safeguarding Children and Child Protection Policy sets out the duty of all members of staff, volunteers, parents and visitors to refer concerns to the Designated Safeguarding Lead (DSL) or Deputy Designated Safeguarding Lead (DDSL) or setting manager, who will contact the community social work team for advice where they have doubts or are unsure.
   - Where the DSL or equivalent does not refer, and staff, volunteers, parents or visitors are still worried they **must** escalate their concern and refer to the DSL's line manager or Committee/Director/Owner. If the Line manager and Committee/Director/Owner do not refer and the staff, volunteer, parent or visitor are still worried then they **must** refer to the relevant agencies e.g. Community Social Care Team / MASH)

4. *Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to having their information shared. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.*
   - If the reason for referral is due to a child protection or SEND related concerns the setting will request that parents complete and sign a Consent to Share Information form.
   - The setting manager will seek advice if they need to share information without consent to disclose.
   - We base decisions to share information without consent on judgements about the facts of the case and whether it is 'in the public interest'.
   - The guidelines for consent are part of this procedure.

5. *Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.*

   In the setting we:
   - record concerns and discuss these with our DSL and/or DDSL for child protection matters.
   - record decisions made and the reasons why information will be shared and with whom.

- follow the procedures for reporting concerns and record keeping as set out in the Safeguarding Children and Child Protection Policy.

6. *Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.*

    - The Safeguarding Children and Child Protection Policy sets out how and where information should be recorded and what information should be shared with another agency when making a referral.

7. *Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.*

    - Where information is shared, we record the reasons for doing so in the child's personal / safeguarding or SEND file as appropriate; where it is decided that information is not to be shared that is recorded too.

Informed Consent

When parents choose our setting for their child, they will share information about themselves and their families. Parents have a right to be informed that we will seek their consent to share information in most cases, as well as the kinds of circumstances when we may not seek their consent, or may override their refusal to give consent. We inform them as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information.
- We consider the following questions when we need to share:
    - Is there legitimate purpose to share the information?
    - Does the information enable the person to be identified?
    - Is the information confidential?
    - If the information is confidential, do we have consent to share?
    - Is there a statutory duty or court order requiring us to share the information?
    - If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
    - If the decision is to share, are we sharing the right information in the right way?
    - Have we properly recorded our decision?
- We explain our Information Sharing Policy to parents.

Separated parents

- Consent to share information will be sought from the parent with parental responsibility for the child. If both parents retain parental responsibility consent can be sought from either parent.

Looked After Children

- Where the child is looked after, the setting may also need to consult the Local Authority, as 'corporate parent' before information is shared.

All the undertakings above are subject to our paramount commitment, which is to the safety and wellbeing of the child. Please also see our Safeguarding Children and Child Protection Policy.